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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/930,472 12/29/97 DE VOS J 450117-4172

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EXAMINER

SRIVASTAVA, V

ART UNIT

PAPER NUMBER

2711

DATE MAILED:

04/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/930,472

Applicant(s)

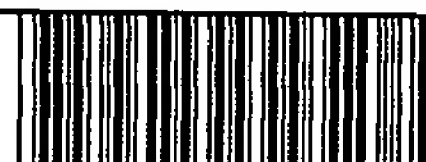
De Vos et al

Examiner

Vivek Srivastava

Group Art Unit

2711



☒ Responsive to communication(s) filed on Mar 24, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 and 19-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 17 is/are allowed.

☒ Claim(s) 1-16 and 19-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.
- 2.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- © Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
 1. Field of the Invention.
 2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (I) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

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Claim Rejections - 35 U.S.C. § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 26-29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 26 and 27 introduce new matter and as a result, are rejected under 35 U.S.C. 112. In particular, the specification fails to support the estimate data recited in claims 1 and 26 and the specification fails to support the “detecting malfunctions” and “outputting malfunction data” in claim 27. The following rejection does not address the new matter provided in amendment D. .

Claim 27 is rejected below, the new matter introduced in the claims have not been considered.

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Claim Rejections - 35 U.S.C. § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-14, 18, 23 and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by Voeten.

Considering claims 1 and 27 Voeten discloses the claimed one or more storage means the claimed managing means, and the claimed routing means (col. 2 line 24 - col. 5 line 3, switch is inherently included for routing signals in ATM network, col 8 lines 20-27).

Considering claim 2, Voeten discloses the claimed routing means comprises at least one ATM switch (switch is inherently included for routing signals in ATM network, col 8 lines 20-27),

Considering claim 3, Voeten discloses the claimed information data are video and/or audio data (col. 1 lines 1-7).

Considering claim 4, Voeten discloses the claimed demand data include a public address assigned to the selected information data (col. 2 line 49 - col. 3 line 5, col. 4 line 52 - col. 5 line 3).

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Considering claim 5, Voeten discloses the claimed control means (col. 4 line 52 - col. 6 line 20).

Considering claim 6, Voeten discloses the claimed management means provide program data for the operation of visual display of information data (fig. 1, DSC).

Considering claim 7, Voeten discloses the claimed managing means (col. 2 line 1 - col. 3 line 5, program data is met by managing means sending message to memory for retrieval of data for transmission to user end).

Considering claim 8, Voeten discloses the claimed information retrieval comprises video on demand (col. 6 lines 29-44).

Considering claim 9, Voeten discloses the claimed second storage medium (col. 2 line 1 - col. 6 line 20).

Considering claim 10, Voeten discloses the claimed memory means, program memory means, control means and at least one interface (col. 2 line 1 - col. 6 line 13, col. 7 lines 26-52, col. 10 lines 12-37).

Considering claim 11, Voeten discloses the claimed routing information relates to one or more virtual channels and interface is an ATM interface (col. 8 lines 7-27).

Considering claim 12, Voeten discloses the claimed interface receives control data representing a selected operation mode for the end user device and wherein the controller controls the memory means according to the received control data so that the information data are

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reproduced from the memory means in the selected operation mode (col. 3 line 19 - col. 6 line 52).

Considering claim 13, Voeten discloses the claimed operation mode comprises still mode, fast forward mode, reverse mode and/or mosaic mode (col. 6 lines 45-52).

Considering claim 14, Voeten discloses the claimed video and/or audio data is divided in a predetermined number of data groups, the predetermined number of data groups is recorded in a sequence different from the original sequence on a recording medium in a storage medium unit and wherein routing means delivers continuous video and/or audio data to the end user device by switching data groups from one or more storage medium units to one or more end user devices (col. 3 line 19 - col. 6 line 20).

Considering claim 18, Voeten discloses the claimed play mode includes a normal play mode and a special play mode (col. 15 lines 51-58).

Considering claim 23, Voeten discloses the claimed distribution control data is in the form of a software program; wherein managing means downloads software program to respective storage medium unit (col. 2 line 1 - col. 3 line 53).

Claim Rejections - 35 U.S.C. § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15, 16, 21, 22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voeten et al (cited by Applicant - 0 625 857 A1).

Considering claim 15, Voeten fails to disclose the claimed recording medium is an agile disk and wherein a first portion of data group is recorded on every N-th track of the, and the remaining portions of data groups are recorded on remaining tracks of the disk.

Voeten discloses a recording medium. The Examiner takes Official Notice that recording a first portion of data on every N'th track and the remaining portions on remaining tracks would have provided a quick efficient means of retrieving information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include recording on an agile disk to provide a quick efficient means of retrieving information.

Considering claim 16, Voeten fails to disclose the claimed first portion of data groups is reproduced by moving a head in a first direction and the remaining portion of the data groups is reproduced by moving the head in a second direction opposite to the first direction.

The Examiner takes Official Notice that moving a disk head in two directions would have been a well known means of efficiently reproducing two groups of data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify

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Voeten to include moving the disk head in two directions to provide a more efficient data reproducing system.

Considering claim 21, Voeten fails to disclose the claimed navigation means for providing in a predetermined sequence menus which describe information data.

The Examiner Takes Official Notice that it including a navigational means, or a menu, would have been a user friendly means of providing additional information to a viewer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide a user friendly system for providing additional information to a viewer.

Considering claim 22, Voeten fails to disclose the claimed navigational means outputs to a respective end user device a software program for driving respective end user device to select menus in accordance with predetermined sequence.

The Examiner Takes Official Notice that it would have been well known in the art to provide a navigational means as claimed to provide additional information for a viewer in the form of menus. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide the viewer with additional useful information.

Considering claim 24, Voeten fails to disclose the claimed one or more storage medium units include a delivery storage medium unit for storing information data selected through the respective end user.

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The Examiner Takes Official Notice that it would have been well known in the art to include a storage medium for storing information data selected through a respective end user to provide an accurate record of the distribution of information for billing and accounting purposes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed storage medium.

Considering claim 25, Voeten fails to disclose the claimed storage medium units include a delivery storage medium unit for storing information data selected through the respective end user.

The Examiner Takes Official Notice that it would have been well known in the art to include a delivery storage medium for storing information data selected through a respective end user to provide an accurate record of the distribution of information for billing and accounting purposes. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed delivery storage medium.

9. Claims 19, 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voeten in view of Hooks Jr.

Considering claim 30 Voeten discloses the claimed one or more storage means the claimed managing means, and the claimed routing means (col. 2 line 24 - col. 5 line 3, switch is inherently included for routing signals in ATM network, col 8 lines 20-27). Voeten fails to disclose the claimed wherein at least one storage medium unit includes a controller for selecting a play mode

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of the selected information data stored in a respective storage medium unit in accordance with distribution control data by selecting scenes to form a mosaic of scenes.

Hooks teaches by utilizing a memory and a controller (computer control system) multiple mosaic views can be merged to a single mosaic image scene for playback. It would have been obvious providing a viewer with a mosaic of scenes would permit a viewer to view a plurality of images. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed storage medium to provide a viewer with a plurality of images.

Considering claim 19, Voeten fails to disclose the claimed controller selects the special play mode by switching channels thereby altering a sequence of scenes.

The Examiner Takes Official Notice that it would have been well known in the art to include a controller to select a special play mode by switching channels thereby altering a sequence of scenes to provide a more versatile VOD apparatus. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed limitation to provide a versatile apparatus.

Considering claim 20, Voeten fails to disclose the claimed wherein controller selects the play mode by selecting scenes from different channels to form the mosaic of scenes.

Hooks teaches by utilizing a memory and a controller (computer control system) multiple mosaic views can be merged to a single mosaic image scene for playback. It would have been obvious providing a viewer with a mosaic of scenes would permit a viewer to view a plurality of

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images. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Voeten to include the claimed storage medium to provide a viewer with a plurality of images.

Allowable Subject Matter

10. Claim 17 is allowed.

11. The indicated allowability of claim 20 is withdrawn in view of the newly discovered reference(s) to Hooks Jr.. Rejections based on the newly cited reference(s) follow.

Response to Arguments

(1) Although Hamaguchi describes previously selecting and receiving programs having a high audience rating at a subscriber accommodation node, and installing two or more image information storage units for storing the same image information to accommodate multiple subscribers requesting the same image, it does not appear to teach or suggest “generating estimate data representing a relationship between the information data and an estimated number of at least one respective end user device,” as recited by amended claim 1. Voeten and Awaji also do not appear to teach or suggest this limitation.

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Since the added limitation argued by the Applicant adds new matter to the claims, the Applicants arguments are not persuasive.

(2) New claim 30 incorporates the limitation “wherein at least one storage medium unit includes a controller for selecting a play mode of the selected information data stored in a respective storage medium unit in accordance with said distribution control data wherein said controller selects scenes to form a mosaic of scenes.”

Voeten, Hamaguchi and Awaji do not recite the claimed limitation. Please see rejection above for new grounds for rejection as necessitate by amendment.

(3) Applicants have added independent claim 27 to recite the inventive feature of “detecting malfunctions of one or more storage medium units and outputting malfunction data representing detected malfunctions,” support for which can be found on page 9, lines 4-13 of the specification.

Since the added limitation argued by the Applicant adds new matter to the claims, the Applicants arguments are not persuasive.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seazholtz et al. - Transaction implementation in video dial tone network

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Kostreski et al. - Digital entertainment terminal with channel mapping

Strauss et al. - Intelligent network having digital entertainment terminal

Bingham et al. - Access subnetwork controller for video dial tone networks

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

✓

VS

4/14/00


Nathan Flynn
Primary Examiner